

Senator Edwards offered the following as an additional section :

"SEC. 25. Any person, firm or corporation, controlling property not situated in the county where said person or firm resides, or such corporation has its principal office, may make out a list of the property situated in any such county, and make oath to the same, before any officer authorized to take acknowledgments of deeds for record, in or out of this State, and may mail the same to the Assessor of the county where said property is situated; and it shall be the duty of the Assessor to enter the same on his assessment rolls as provided in the laws regulating duties of Assessors."

Lost by the following vote (it requiring a two-thirds vote):

YEAS—Senators Brown, Crain, Edwards, Grace, Henry J. R., Henry F. M., Ledbetter, McLeary, McCormick, McCulloch, Moore, Storey, Wortham—13.

NAYS—Senators Blassingame, Burton, Francis, Ford, Martin, Piner, Smith, Terrell, Thompson—9.

NOT VOTING—Senators Ball, Brady, Guy, Stephens—4.

Senator Martin offered the following amendment:

Add to Section 24: "Provided, that pensions granted under the act of the present Legislature to the surviving soldiers and volunteers of the Texas Revolution and the surviving signers of the Declaration of Texas Independence, and the surviving widows of such soldiers, signers and volunteers, shall not be taxed."

YEAS—Senators Crain, Edwards, Francis, Ford, Grace, Guy, Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Smith, Terrell, Thompson, Wortham—18.

NAYS—Senators Blassingame, Brown, Burton, Henry J. R., Storey—5.

NOT VOTING—Senators Ball, Brady, Stephens—3.

Senator Storey moved the previous question on the passage of the bill, which was seconded, and the main question ordered.

The bill then passed by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Ford, Grace, Guy, Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Smith, Storey, Terrell, Wortham—16.

NAYS—Senators Brady, Burton, Edwards, Francis, Henry J. R., Henry F. M., McCormick, Thompson—8.

NOT VOTING—Senators Ball, Stephens—2.

On motion of Senator Brown, the Senate adjourned until to-morrow morning at 9 o'clock.

NINETY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 4, 1876. }

Senate met pursuant to adjournment, President in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Francis, who, in the journal of yesterday, was recorded as voting, "nay," on Senator Martin's amendment, "to exempt from taxation the pensions granted by the present Legislature," should have been, "yea."

Two typographical errors occurred in the amendments offered by Senator McLeary on yesterday, to House Bill No. 412, "The deficiency

bill": "S. H. Stevens," should have been, "E. H. Stevens," and, "in vouchers," should have been, "on vouchers."

By an oversight, the motion of Senator McLeary, made yesterday, to reconsider the vote passing House Bill No. 412, and to lay that motion on the table, and which was carried, was recorded in the passive form of the verb, and not the active, as he made it, and the change not being satisfactory, this correction is made.

Senator Ball, Chairman of the Committee on the General Land Office, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on the General Land Office, to whom was referred Senate Bill No. 354, "An Act to authorize the Commissioner of the General Land Office to appoint a competent surveyor," have had the same under consideration, and herewith report the same back, and recommend that it do pass.

BALL, *Chairman.*

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 375, a bill to be entitled, "An Act to provide for supplying lost records in certain cases," have had the same under consideration, and recommend its passage.

PINER, *Chairman.*

Senator McCormick introduced a bill entitled: "An Act to relieve from taxation the property of certain citizens of Matagorda and Brazoria counties."

Read by caption and referred to Committee on Finance.

Senator McCulloch offered the following joint resolution:

Be it resolved by the Legislature of the State of Texas, That the Fifteenth Legislature adjourn *sine die* on Monday, the 14th day of August, 1876, at 12 o'clock M., and that the presiding officer of each House shall at said time so declare; that the shortness of the time intervening before said date constitutes an imperative public necessity and emergency which requires immediate action, and it is therefore enacted that this resolution take effect from and after its passage.

Referred to Judiciary Committee No. 1.

Senator McCulloch offered the following resolution:

WHEREAS, There is now pending in this body a large number of bills of a private nature, which impedes the more important legislation of a general character, demanded by the people; and indispensable to the general welfare of the country; therefore,

Resolved, That the Senate will continue to hold evening sessions, beginning at 4 o'clock P. M., for the special purpose of disposing of said private and local bills: *provided,* railroad bills shall not be considered of a private or local nature; furthermore, be it

Resolved, That no member of the Senate be allowed to speak longer than five minutes upon any question.

Laid over under the rules.

On motion of Senator Storey, Senator Smith was excused for five days from to-morrow morning.

House Bill No. 364, "An Act to define the duties of persons subject to taxation by the laws of the State, and to fix penalties for the viola-

tion of the same," being a special order, was taken up and read first time.

Senate Bill No. 208, "An Act to amend an act to regulate the proceedings in the District Court," being a special order, was taken up and read second time.

Senator Piner moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Ball, Brown, McLeary, Smith—4.

Pending the call, the bill went to the table.

A message was received from the House, announcing the passage by that body, of House Bill No. 323, "An Act to ascertain the amounts due teachers for services rendered in the public free schools from September 1, 1873, to January 1, 1876, and to provide for the payment of the same."

On motion of Senator Brady, the rules were suspended, and Senate Bill No. 306, "An Act to protect the navigation of the navigable bayous and rivers of this State," was taken up.

On motion of Senator Piner, the call was suspended, and the consideration of Senate Bill No. 208 was resumed.

Senator Piner moved to indefinitely postpone the bill.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Ball, Brown, McLeary, Stephens, Smith—5.

Pending the call, the bill went to the table.

The consideration of Senate Bill No. 306 was resumed.

Bill read second time, and the amendments of the committee adopted.

Senator Piner offered the following amendments:

Amend by inserting in line 11, after the word, "therewith," and also before line 14, the words, "or in any of the creeks, water-courses, or streams or navigable waters."

Amend by inserting after line 14, the words, "or render the same unfit for use as stock water, or shall, in any other manner, obstruct the same."

Amend caption to correspond.

Adopted, and bill ordered engrossed.

Senator Brady moved that the rules be further suspended, to place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Terrell, Thompson—23.

NAYS—None.

NOT VOTING—Senators Brown, Smith, Stephens—3.

Bill read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Terrell, Wortham—19.

NAYS—Senators Edwards, Francis, Ford, Storey—4.

NOT VOTING—Senators Brown, McLeary, Smith, Thompson—4.

President *pro tem.* in the chair.

On motion of Senator Stephens, the rules were suspended, and House Bill No. 323, "An Act to ascertain the amounts due teachers for services rendered in the public free schools from, September 1, 1873 to January 1, 1876, and to provide for the payment of the same," was taken up, and read first time.

Senator Guy in the chair.

Senator Stephens moved to suspend the rules, and place the bill on its second reading,

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Edwards, Ford, Guy, Henry J. R., Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Francis, Grace, Henry F. M., Martin, Smith—5.
Bill read second time.

Senate announced full, and the consideration of Senate Bill No. 208 resumed.

The motion of Senator Piner to indefinitely postpone was pending.

Senator Piner withdrew his motion to indefinitely postpone, and moved the previous question on the engrossment of the bill.

Seconded, and the main question ordered.

The engrossment of the bill was lost by the following vote:

YEAS—Senators Brown, Francis, Henry J. R., McLeary, Terrell—5

NAYS—Senators Ball, Blassingame, Burton, Edwards, Ford, Grace, Guy, Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Smith, Stephens, Storey, Thompson, Wortham—19.

NOT VOTING—Senators Brady, Crain, Ripetoe—3.

Senator Piner moved to reconsider this vote and lay the motion on the table.

Carried.

The consideration of House Bill No. 323, being the unfinished business, was resumed.

Senator Ball offered the following amendment:

Strike out of the caption of the bill, the words, "first of January, 1876," and insert in lieu thereof the following words, "thirty-first of August, 1876."

Lost, and bill passed to a third reading.

Senator Stephens moved a still further suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Edwards, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Smith, Stephens, Storey, Terrell, Thompson, Wortham—22.

NAYS—Senator Ripetoe—1.

NOT VOTING—Senators Brown, Crain, Francis, Ford—4.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Smith, Terrell, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Brown, Ripetoe, Stephens, Storey—4.

Senator Francis was excused from voting.

Senator Ledbetter in the chair.

On motion of Senator Crain, the rules were suspended, and House Bill No. 394, "An Act to create the county of Granbury, named in honor of Brigadier-General H. B. Granbury, who fell while gallantly leading his brigade at the battle of Franklin, Tennessee," was taken up and read first time.

Senator Guy moved the previous question on the bill.

Seconded, and the main question ordered.

The pending question, the report of committee, "that the bill do not pass," was adopted by the following vote, and bill lost:

YEAS—Senators Ball, Brown, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Smith, Stephens, Terrell, Thompson, Wortham—20.

NAYS—Senators Blassingame, Brady, Crain, Martin, Storey—5.

NOT VOTING—Senators Burton, Ripetoe—2.

Senator McLeary moved to reconsider this vote and lay that motion on the table.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCormick, Moore, Piner, Ripetoe, Stephens, Terrell, Thompson—18.

NAYS—Senators Brady, Crain, Martin, McCulloch, Smith—5.

NOT VOTING—Senators Burton, Edwards, Storey, Wortham—4.

Senator Brown in the chair.

A message was received from His Excellency, the Governor.

Senator Edwards, by leave, introduced a bill entitled: "An Act to provide for the funding of claims due by the school fund, and to provide means for paying the same."

Read by caption and referred to Committee on Finance.

Senator Ball introduced a bill entitled: "An Act to amend 'An Act prescribing the times of holding the District Courts in the Twelfth Judicial District, and to attach certain counties therein named for judicial purposes,'" approved July 29, 1876.

Read by caption and referred to Judiciary Committee No. 1.

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared, and found correctly engrossed, Senate Bill No. 287, "An Act to incorporate the city of Austin, and to grant a new charter to said city."

STEPHENS, *Chairman.*

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 372, "An Act to confer additional jurisdiction upon the County Court of Caldwell County," was taken up.

On motion of Senator Martin, the Senate adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

Senate met according to adjournment. President in the chair. Roll called. Quorum present.

Senate Bill No. 372, "An Act to confer additional jurisdiction upon the County Court of Caldwell county," being the unfinished business, was taken up and read second time.

Senator Thompson offered the following amendments:

In Section 1, insert after the word, "cases," the words, "except capital cases."

Adopted.

After "Caldwell county," add "Colorado, Lavaca, Gonzales, Comanche, Fort Bend, Harrison, Waller and Wharton counties."

Adopted.

Senator F. M. Henry moved to recommit the bill to Judiciary Committee No. 1.

Lost.

The bill was then ordered engrossed by the following vote:

YEAS—Senators Brady, Burton, Crain, Edwards, Ford, Guy, Henry J. R., Ledbetter, McCulloch, Moore, Ripetoe, Stephens, Storey, Terrell, Thompson—15.

NAYS—Senators Ball, Blassingame, Francis, Grace, Henry F. M., Martin, McCormick, Piner, Smith, Wortham—10.

NOT VOTING—Senators Brown, McLeary—2.

On motion of Senator Terrell, the rules were suspended, and substitutes for House Bills Nos. 189 and 211, "An Act to carry into effect Section 22, Article 16, of the Constitution of the State of Texas, authorizing the passage of fence laws," was taken up, and read first time.

The President, after publicly reading its caption, signed House Bill No. 381, "An Act to incorporate the city of Dallas, and to grant a new charter to said city."

On motion of Senator Wortham, the rules were suspended, and House Bill No. 399, "An Act to detach the County of Rains from the Seventh Judicial District, and to attach the same to the Eighth Judicial District, and to fix the times of holding the courts therein," was taken up, and read first time.

On motion of Senator Blassingame, the rules were suspended, and Senate Bill No. 354, "An Act to authorize the Commissioner of the General Land Office to appoint a competent surveyor," was taken up, read second time, and ordered engrossed.

Senator Blassingame moved to further suspend the rules, and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Edwards, Francis, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Wortham—20.

NAYS—Senators McLeary, Storey—2.

NOT VOTING—Senators Brown, Grace, Smith, Terrell, Thompson—5.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Edwards, Francis, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Wortham—19.

NAYS—Senators McLeary, Smith, Storey, Thompson—4.

NOT VOTING—Senators Brown, Grace, Stephens, Terrell—4.

Senator Wortham, from the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed Bills have carefully read and compared Senate Bill No. 306, "An Act to provide for the navigation of the navigable bayous, rivers, creeks and water-courses or streams of this State," and find the same correctly engrossed.

WORTHAM, *for Committee.*

Senate Bill No. 338, "An Act to prescribe the mode of withdrawing evidence of titles and other written instruments from courts in which they have been filed or offered in evidence," was taken up, read second time and ordered engrossed.

On motion of Senator Guy, the rules were suspended, and House Bill No. 71, "An Act to regulate and prescribe the manner of assessing and collecting taxes to meet the interest and create a sinking fund to pay principal and interest on bonds heretofore issued by cities, in aid of internal improvements, and to regulate the disbursement of the same," was taken up and read third time.

Senator Guy offered a substitute for the bill, entitled, "An Act to provide for the levying, assessing and collecting of taxes, to pay the interest and the principal of bonds heretofore issued by cities," etc.

Substitute adopted.

The bill was then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Storey, Thompson, Terrell—25.

NAYS—None.

NOT VOTING—Senators Brown, Terrell—2.

On motion of Senator Ripetoe, the rules were suspended, and House Bill No. 263, "An Act to levy a tax on dogs, and to provide for the assessment and collection of the same," was taken up and read first time.

Senator McLeary moved to print 50 copies of the bill.

Lost.

A message was received from the House, announcing the passage, by that body, of House Joint Resolution No. 431, "To specify the disposition to be made of the proceeds of bonds for casual deficiencies."

Also, House Bill No. 429, "An Act supplementary to and amendatory of an act entitled, 'An Act regulating the government of the Agricultural and Mechanical College of Texas,' approved March 9, 1875."

Also, "An Act to define and regulate the duties of County Attorneys."

Senate Bill No. 57, "An Act to provide for the issuance and sale of certificates for three millions of acres of the public domain of Texas," together with a substitute, recommended by the Committee on State Affairs, entitled, "An Act to provide for the issuance and sale of certificates for three millions of acres of the public domain of Texas," were taken up, and the substitute of the committee adopted.

Senator Stephens offered a substitute for the bill, entitled, "An Act to provide for designating and surveying three millions of acres of the unappropriated public domain for the erection of a new State Capitol and other necessary public buildings at the seat of government."

Senator Brady in the chair.

On motion of Senator Stephens, the Senate adjourned until to-morrow morning at 9 o'clock.